

RECEIVED
CENTRAL FAX CENTER

MAR 05 2007

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

In the Official Action, the Examiner objects to claims 2-10 and 12-17. Firstly, the Examiner argues that claims 2-4, 6-8, 10 and 12-17 begin with "A clip" which should be --The clip--. In response, claims 2, 3, 10, 12, 14 and 16 have been amended as suggested by the Examiner. Claims 4, 6-8, 13 and 17 have been canceled and Applicant respectfully submits that claim 15 is an independent claim in which the phrase "A clip" is proper. Secondly, the Examiner argues that the phrase "the loop being" in claim 2 should be --the loop portion being--. In response, claim 2 has been amended as suggested by the Examiner. Thirdly, the Examiner argues that the phrase "is not less pliable than enough to" should be changed to --is pliable enough to--. In response, claim 9 has been amended as suggested by the Examiner. With regard to claim 15, the Examiner argues that "gasping" should be --grasping-- and "insertion means" should be --insertion tube--. In response, claim 15 has been amended as suggested by the Examiner.

Accordingly, it is respectfully requested that the objection to claims 2, 3, 10, 12, 14 and 16 be withdrawn.

In the Official Action, the Examiner rejects claims 1, 2, 9-12, 15 and 16 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,766,184 to Matsuno, et al., (hereinafter "Matsuno"). Additionally, the Examiner rejects claims 5 and 6 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication No. 2002/0133178 to Muramatsu, et al., (hereinafter "Muramatsu"). Furthermore, the Examiner rejects claims 3, 4, 7, 8, 13 and 14 under 35 U.S.C. § 103(a) as being unpatentable over Matsuno in view of Muramatsu. Lastly, the Examiner rejects claim 17 under 35 U.S.C. § 103(a) as being

unpatentable over Matsuno in view of U.S. Patent Application Publication No. 2002/0177861 to Sugiyama, et al., (hereinafter "Sugiyama").

In response, Applicant respectfully traverses the Examiner's rejections under 35 U.S.C. §§ 102(b) and 103(a) for at least the reasons set forth below. However, independent claims 1, 9, 11 and 15 have been amended to improve their form and readability.

A feature recited in claims 1 and 15 is a "junction pliable enough to follow up deformation of the insertion tube." The "deformation" of claims 9 and 11 is "bending deformation." The Examiner considers that Matsuno (FIG.14; col. 3, lines 63-64; and col. 5, lines 8-11) discloses such a feature. However, Applicant could not find such description in Matsuno. The coupling plate 37 shown in FIG. 14 of Matsuno, which is formed by a thin band plate of stainless steel, and the coupling ring 29 of a stainless-steel short tube are not pliable to the extent recited in the claims. The plate 37 corresponds to the hook 52 described as prior art in the specification of the present application. Although the plate 37 may have very limited pliability in the thickness direction, it is not pliable in the width direction. The coupling ring 29 is not pliable in any direction. Thus, the coupling ring of Matsuno is not pliable at all and the plate 37, although having some pliability in the thickness direction is not "pliable enough to follow up deformation of the insertion tube/means" as is recited in the claims.

With regard to the rejection of claims 1, 2, 9-12, 15 and 16 under 35 U.S.C. § 102(b), a clip manipulating device having the features discussed above and as recited in independent claims 1, 9, 11 and 15, is nowhere disclosed in Matsuno. Since it has been decided that "anticipation requires the presence in a single prior art reference, disclosure of each and every element of the claimed invention, arranged as in the claim,"¹ independent

¹ Lindeman Maschinenfabrik GMBH v. American Hoist and Derrick Company, 730 F.2d 1452, 1458; 221 U.S.P.Q. 481, 485 (Fed. Cir., 1984).

claims 1, 9, 11 and 15 are not anticipated by Matsuno. Accordingly, independent claims 1, 9, 11 and 15 patentably distinguish over Matsuno and are allowable. Claims 2, 10, 12, and 16 being dependent upon claims 1, 9, 11 and 16, are thus at least allowable therewith. Consequently, the Examiner is respectfully requested to withdraw the rejection of claims 1, 2, 9-12, 15 and 16 under 35 U.S.C. § 102(b).

With regard to the rejection of claims 5 and 6 under 35 U.S.C. § 102(b), the same have been canceled, thereby rendering the rejection thereof moot. Consequently, the Examiner is respectfully requested to withdraw the rejection of claims 5 and 6 under 35 U.S.C. § 102(b).

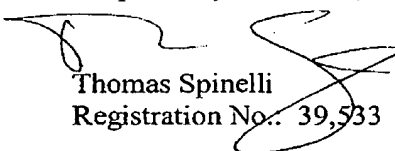
With regard to the rejections of claims 7, 8, 13 and 17 under 35 U.S.C. § 103(a), claims 7, 8, 13 and 17 have been canceled thereby rendering the rejections thereof moot. Consequently, the Examiner is respectfully requested to withdraw the rejections of claims 7, 8, 13 and 17 under 35 U.S.C. § 103(a).

With regard to the rejection of claim 14 under 35 U.S.C. § 103(a), since independent claim 12 patentably distinguishes over the prior art and is allowable, claim 14 is at least allowable therewith because it depends from allowable base claim 12. Consequently, the Examiner is respectfully requested to withdraw the rejection of claim 14 under 35 U.S.C. § 103(a).

Lastly, the claims have been amended, where appropriate, to improve their form and readability and new claims 18-22 have been added to further define the patentable invention. The amendment to the claims as well as the addition of new claims 18-22 are fully supported in the original disclosure.

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,



Thomas Spinelli
Registration No. 39,533

Scully, Scott, Murphy & Presser PC
400 Garden City Plaza, Suite 300
Garden City, New York 11530
(516) 742-4343
TS:cm